

105TH CONGRESS
1ST SESSION

S. 586

To reauthorize the Intermodal Surface Transportation Efficiency Act of 1991,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 1997

Mr. MOYNIHAN (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. CHAFEE, Mr. SMITH of New Hampshire, Mrs. BOXER, Mr. WYDEN, Mr. BYRD, Mr. KENNEDY, Mr. INOUE, Mr. ROTH, Mr. BIDEN, Mr. LEAHY, Mr. SARBANES, Mr. DODD, Mr. D'AMATO, Mr. SPECTER, Mr. KERRY, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. JEFFORDS, Mr. AKAKA, Mrs. FEINSTEIN, Mr. GREGG, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Ms. SNOWE, Mr. SANTORUM, Mr. DURBIN, Mr. TORRICELLI, Mr. REED, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize the Intermodal Surface Transportation
Efficiency Act of 1991, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “ISTEA Reauthorization Act of 1997”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Authorization of appropriations.
 Sec. 4. National Highway System.
 Sec. 5. Congestion mitigation and air quality improvement program.
 Sec. 6. Surface transportation program.
 Sec. 7. Bridge program.
 Sec. 8. Minimum allocation.
 Sec. 9. Reimbursement program.
 Sec. 10. Apportionment adjustments.
 Sec. 11. Research programs.
 Sec. 12. Scenic byways program.
 Sec. 13. Ferry boats and terminals.
 Sec. 14. National recreational trails program.
 Sec. 15. Transportation and land use initiative.
 Sec. 16. Appalachian development highway system.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Intermodal Surface Transportation Effi-
 4 ciency Act of 1991 (Public Law 102–240) (referred
 5 to in this section as “ISTEA”) was the result of a
 6 bipartisan and multiregional consensus to change
 7 transportation policy by giving States and localities
 8 more flexibility in spending Federal funds while still
 9 pursuing important national goals;

10 (2) the Federal Government has an important
 11 role to play in helping to fund transportation im-
 12 provements and ensuring that a national focus re-
 13 mains on national goals such as mobility,
 14 connectivity and integrity of the transportation sys-
 15 tem, safety, research, air quality, global and national
 16 economic competitiveness, and improved quality of
 17 life;

1 (3) this role as funding partner and policy-
2 maker—

3 (A) should nurture State and local flexibil-
4 ity in using funds to solve problems creatively;
5 and

6 (B) should relieve the States of burden-
7 some regulation and review procedures that
8 slow down project implementation without add-
9 ing value;

10 (4)(A) the economic health of the United States
11 and of the metropolitan and rural areas in the Unit-
12 ed States depends on—

13 (i) a strong transit program funded above
14 fiscal year 1997 levels; and

15 (ii) dedicated support for intercity pas-
16 senger rail; and

17 (B) this Act should be accompanied by compan-
18 ion legislation to provide for the needs described in
19 subparagraph (A);

20 (5) the funding programs authorized by ISTEA
21 were visionary and will continue to influence trans-
22 portation into the future;

23 (6) the partnerships between the Federal Gov-
24 ernment and State and local governments, and be-
25 tween the public and private sectors, that were re-

1 affirmed and strengthened by ISTEA are helping to
2 improve transportation investment and transpor-
3 tation policy choices; and

4 (7) it is in the interest of the United States as
5 a whole to—

6 (A) reauthorize ISTEA in 1997 with re-
7 finements but without significant changes, and
8 without eliminating current funding categories;

9 (B) authorize the maximum feasible level
10 of funding for ISTEA programs;

11 (C) allocate these funds among the States
12 based primarily on need, with adjustments to be
13 considered to reflect—

14 (i) system usage;

15 (ii) system extent; and

16 (iii) historic distribution patterns;

17 (D) preserve and strengthen the partner-
18 ships among the Federal Government, State
19 governments, local governments, and the private
20 sector;

21 (E) minimize prescriptive Federal regula-
22 tion that is unnecessary and eliminate regu-
23 latory duplication between the Federal Govern-
24 ment and State governments;

1 (F) increase flexibility to address inter-
2 modal projects; and

3 (G) provide a separate adequately funded
4 transit program.

5 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—For the purpose of carrying out
7 title 23, United States Code, the following sums are au-
8 thorized to be appropriated out of the Highway Trust
9 Fund (other than the Mass Transit Account):

10 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-
11 tional Highway System under section 103 of title
12 23, United States Code, \$5,600,000,000 for each of
13 fiscal years 1998 through 2003.

14 (2) INTERSTATE MAINTENANCE PROGRAM.—
15 For the Interstate maintenance program under sec-
16 tion 119 of that title \$5,250,000,000 for each of fis-
17 cal years 1998 through 2003.

18 (3) SURFACE TRANSPORTATION PROGRAM.—
19 For the surface transportation program under sec-
20 tion 133 of that title \$5,250,000,000 for each of fis-
21 cal years 1998 through 2003.

22 (4) BRIDGE PROGRAM.—For the highway
23 bridge replacement and rehabilitation program under
24 section 144 of that title \$3,750,000,000 for each of
25 fiscal years 1998 through 2003.

1 (5) CONGESTION MITIGATION AND AIR QUALITY
2 IMPROVEMENT PROGRAM.—For the congestion miti-
3 gation and air quality improvement program under
4 section 149 of that title \$2,000,000,000 for each of
5 fiscal years 1998 through 2003.

6 (6) MINIMUM ALLOCATION.—For the minimum
7 allocation program under section 157 of that title
8 \$830,000,000 for each of fiscal years 1998 through
9 2003. Such sums shall not be subject to subsection
10 (a) or (f) of section 104 of title 23, United States
11 Code.

12 (7) APPORTIONMENT ADJUSTMENTS.—For ap-
13 portionment adjustments under section 10
14 \$470,000,000 for each of fiscal years 1998 through
15 2003. Such sums shall not be subject to subsection
16 (a) or (f) of section 104 of title 23, United States
17 Code.

18 (8) INTERSTATE REIMBURSEMENT PROGRAM.—
19 For reimbursement for segments of the Interstate
20 System constructed without Federal assistance
21 under section 160 of that title \$2,050,000,000 for
22 each of fiscal years 1998 through 2003.

23 (9) FEDERAL LANDS HIGHWAYS PROGRAM.—

24 (A) INDIAN RESERVATION ROADS.—For
25 Indian reservation roads under section 204 of

1 that title \$210,000,000 for each of fiscal years
2 1998 through 2003.

3 (B) PUBLIC LANDS HIGHWAYS.—For pub-
4 lic lands highways under section 204 of that
5 title \$215,000,000 for each of fiscal years 1998
6 through 2003.

7 (C) PARKWAYS AND PARK ROADS.—For
8 parkways and park roads under section 204 of
9 that title \$100,000,000 for each of fiscal years
10 1998 through 2003.

11 (10) FHWA HIGHWAY SAFETY PROGRAMS.—
12 For carrying out section 402 of that title by the
13 Federal Highway Administration \$25,000,000 for
14 each of fiscal years 1998 through 2003.

15 (11) FHWA HIGHWAY SAFETY RESEARCH AND
16 DEVELOPMENT.—For carrying out section 403 of
17 that title by the Federal Highway Administration
18 \$10,000,000 for each of fiscal years 1998 through
19 2003.

20 (b) LIMITATION ON OBLIGATIONS.—Notwithstanding
21 any other provision of law, any limitation on obligations
22 established for any of fiscal years 1998 through 2003 for
23 funds apportioned or allocated from the Highway Trust
24 Fund (other than the Mass Transit Account) shall apply
25 equally to all such apportionments and allocations, except

1 that no such limitation shall apply to any allocation made
 2 under section 125 of title 23, United States Code, for
 3 emergency relief.

4 **SEC. 4. NATIONAL HIGHWAY SYSTEM.**

5 (a) IN GENERAL.—Section 104(b) of title 23, United
 6 States Code, is amended by striking paragraph (1) and
 7 inserting the following:

8 “(1) NATIONAL HIGHWAY SYSTEM.—For the
 9 National Highway System, 1 percent to the Virgin
 10 Islands, Guam, American Samoa, and the Common-
 11 wealth of the Northern Mariana Islands and the re-
 12 maining 99 percent apportioned as follows:

13 “(A) $\frac{1}{3}$ of the remaining apportionments
 14 in the ratio that—

15 “(i) the total vehicle miles traveled on
 16 public highways in each State; bears to

17 “(ii) the total vehicle miles traveled on
 18 public highways in all States;

19 “(B) $\frac{1}{3}$ of the remaining apportionments
 20 in the ratio that—

21 “(i) the total lane miles of public
 22 highways in each State; bears to

23 “(ii) the total lane miles of public
 24 highways in all States; and

1 “(C) $\frac{1}{3}$ of the remaining apportionments
2 in equal amounts to each State.”.

3 (b) SET ASIDE FOR 4R PROJECTS.—Section
4 118(c)(2)(A) of title 23, United States Code, is amended
5 in the first sentence—

6 (1) by striking “1996, and” and inserting
7 “1996,”; and

8 (2) by inserting after “1997” the following: “,
9 and \$100,000,000 for each of fiscal years 1998
10 through 2003”.

11 **SEC. 5. CONGESTION MITIGATION AND AIR QUALITY IM-**
12 **PROVEMENT PROGRAM.**

13 (a) ADJUSTMENT FOR NEW NONATTAINMENT
14 AREAS.—

15 (1) REPORT.—Not later than April 1, 2000, the
16 Secretary of Transportation, in consultation with the
17 Administrator of the Environmental Protection
18 Agency, shall—

19 (A) prepare a report containing rec-
20 ommended adjustments to the formula used to
21 apportion funds for the congestion mitigation
22 and air quality improvement program under
23 section 149 of title 23, United States Code, and
24 the amount apportioned for the program, to re-
25 flect changes, since the enactment of the Inter-

modal Surface Transportation Efficiency Act of
1991 (Public Law 102–240), in—

(i) national ambient air quality stand-
ards under the Clean Air Act (42 U.S.C.
7401 et seq.); and

(ii) the emission control requirements
that result from the standards; and

(B) submit the report to the Committee on
Environment and Public Works of the Senate
and the Committee on Transportation and In-
frastructure of the House of Representatives.

(2) ADOPTION OF NEW FORMULA AND APPOR-
TIONMENTS.—

(A) EFFECT OF FAILURE TO ADOPT.—
Notwithstanding any other provision of law, if,
by September 30, 2000, the recommendations
contained in the report described in paragraph
(1) have not been enacted into law, as proposed
in the report or as amended by Congress, the
Secretary of Transportation shall withhold 10
percent of the apportionments otherwise re-
quired to be made under title 23, United States
Code, on October 1, 2000.

(B) EFFECT OF LATER ADOPTION.—The
Secretary shall apportion the amount withheld

1 under subparagraph (A) upon the enactment of
 2 a law described in subparagraph (A).

3 (b) PARTICULATE MATTER.—Section 104(b)(2) of
 4 title 23, United States Code, is amended—

5 (1) by redesignating subparagraphs (A) through
 6 (E) as clauses (i) through (v), respectively, and in-
 7 denting appropriately;

8 (2) by striking “For the congestion mitigation
 9 and air quality improvement program, in the ratio
 10 which” and inserting the following:

11 “(A) IN GENERAL.—For the congestion
 12 mitigation and air quality improvement pro-
 13 gram in accordance with subparagraphs (B)
 14 and (C).

15 “(B) WEIGHTED NONATTAINMENT AREA
 16 POPULATION.—The Secretary shall apportion
 17 90 percent of the remainder of the sums au-
 18 thorized to be appropriated for expenditure on
 19 the program in the ratio that”;

20 (3) in subparagraph (B) (as so designated)—

21 (A) by striking “such subpart.” in clause
 22 (v) and all that follows through “the area was”
 23 and inserting the following: “such subpart.
 24 If the area was”; and

1 (B) in the sentence beginning with “If the
 2 area”, by striking “paragraph” and inserting
 3 “subparagraph”;

4 (4) by striking the sentence beginning with
 5 “Notwithstanding any provision” and inserting the
 6 following:

7 “(C) PARTICULATE MATTER.—The Sec-
 8 retary shall apportion 10 percent of the remain-
 9 der of the sums authorized to be appropriated
 10 for expenditure on the program in the ratio
 11 that—

12 “(i) the population of all areas that
 13 are nonattainment under the Clean Air Act
 14 (42 U.S.C. 7401 et seq.) for particulate
 15 matter with an aerodynamic diameter
 16 smaller than or equal to 10 micrometers
 17 (known as ‘PM-10’) in each State; bears
 18 to

19 “(ii) the population of all such areas
 20 in all States.”;

21 (5) in the next-to-last sentence, by striking
 22 “Notwithstanding” and inserting the following:

23 “(D) MINIMUM APPORTIONMENT.—Not-
 24 withstanding”; and

1 (6) in the last sentence, by striking “The Sec-
2 retary” and inserting the following:

3 “(E) DETERMINATION OF POPULATION.—

4 In determining population for the purpose of
5 this paragraph, the Secretary”.

6 (c) INCREASED FLEXIBILITY.—The first sentence of
7 section 149(b) of title 23, United States Code, is amend-
8 ed—

9 (1) in paragraph (3), by striking “or” at the
10 end;

11 (2) in paragraph (4), by striking the period at
12 the end and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(5) if the project or program will have air
15 quality benefits and consists of—

16 “(A) construction, reconstruction, or reha-
17 bilitation of, or operational improvements for,
18 intercity rail passenger facilities (including fa-
19 cilities owned by the National Railroad Pas-
20 senger Corporation);

21 “(B) operation of intercity rail passenger
22 trains; or

23 “(C) acquisition or remanufacture of roll-
24 ing stock for intercity rail passenger service;

1 except that not more than 50 percent of the funds
 2 apportioned to a State for a fiscal year under section
 3 104(b)(2) may be obligated for operations.”.

4 **SEC. 6. SURFACE TRANSPORTATION PROGRAM.**

5 (a) APPORTIONMENT FORMULA.—Section 104(b) of
 6 title 23, United States Code, is amended by striking para-
 7 graph (3) and inserting the following:

8 “(3) SURFACE TRANSPORTATION PROGRAM.—

9 “(A) IN GENERAL.—For the surface trans-
 10 portation program, in the ratio that—

11 “(i) the total lane miles of public
 12 highways in each State multiplied by the
 13 relative intensity of use of public highways
 14 in the State; bears to

15 “(ii) the sum of—

16 “(I) the total lane miles of public
 17 highways in each State; multiplied by

18 “(II) the relative intensity of use
 19 of public highways in the State.

20 “(B) DETERMINATION OF RELATIVE IN-
 21 TENSITY OF USE.—For the purpose of subpara-
 22 graph (A), the relative intensity of use of public
 23 highways in a State shall be determined by di-
 24 viding—

1 “(i) the vehicle miles traveled on pub-
 2 lic highways in the State per lane mile of
 3 public highways in the State during the
 4 latest 1-year-period for which data are
 5 available; by

6 “(ii) the vehicle miles traveled on pub-
 7 lic highways in all States per lane mile of
 8 public highways in all States during that
 9 period.

10 “(C) MINIMUM APPORTIONMENT.—Not-
 11 withstanding any other provision of this para-
 12 graph, for each fiscal year, each State shall re-
 13 ceive an apportionment under this paragraph of
 14 not less than $\frac{1}{2}$ of 1 percent of all funds appor-
 15 tioned under this paragraph for the fiscal
 16 year.”.

17 (b) INCREASED FLEXIBILITY.—Section 133(b) of
 18 title 23, United States Code, is amended by adding at the
 19 end the following:

20 “(12) Construction, reconstruction, and reha-
 21 bilitation of, and operational improvements for,
 22 intercity rail passenger facilities (including facilities
 23 owned by the National Railroad Passenger Corpora-
 24 tion), operation of intercity rail passenger trains,
 25 and acquisition or remanufacture of rolling stock for

1 intercity rail passenger service, except that not more
 2 than 50 percent of the funds apportioned to a State
 3 for a fiscal year under section 104(b)(3) may be ob-
 4 ligated for operations.”.

5 (c) ALLOCATION OF OBLIGATION AUTHORITY.—Sec-
 6 tion 133(f) of title 23, United States Code, is amended
 7 by striking “6-fiscal year period 1992 through 1997” and
 8 inserting “6-fiscal-year period 1998 through 2003”.

9 **SEC. 7. BRIDGE PROGRAM.**

10 (a) MINIMUM APPORTIONMENT.—Section 144(e) of
 11 title 23, United States Code, is amended in the fifth sen-
 12 tence by striking “0.25” and inserting “0.5”.

13 (b) AUTHORIZATIONS FOR DISCRETIONARY PRO-
 14 GRAM.—Section 144(g) of title 23, United States Code,
 15 is by striking paragraph (1) and inserting the following:

16 “(1) DISCRETIONARY BRIDGE PROGRAM.—

17 “(A) IN GENERAL.—For each of fiscal
 18 years 1998 through 2003, of the amounts au-
 19 thorized to be appropriated to carry out this
 20 section, all but \$100,000,000 in the case of
 21 each such fiscal year shall be apportioned as
 22 provided in subsection (e).

23 “(B) RESERVED AMOUNT.—For each of
 24 fiscal years 1998 through 2003, of the

1 \$100,000,000 referred to in subparagraph
2 (A)—

3 “(i) \$90,000,000 shall be allocated at
4 the discretion of the Secretary on the same
5 date and in the same manner as funds ap-
6 portioned under subsection (e); and

7 “(ii) \$10,000,000 shall be allocated by
8 the Secretary in accordance with section
9 1039 of the Intermodal Surface Transpor-
10 tation Efficiency Act of 1991 (23 U.S.C.
11 144 note; 105 Stat. 1990).”.

12 (c) CONFORMING AMENDMENT.—Section 1039(e) of
13 the Intermodal Surface Transportation Efficiency Act of
14 1991 (23 U.S.C. 144 note; 105 Stat. 1991) is amended
15 by striking “1992, 1993,” and all that follows and insert-
16 ing the following: “1998 through 2003, \$1,500,000 shall
17 be available to the Secretary to carry out subsections (a)
18 and (b), and \$8,500,000 shall be available to the Secretary
19 to carry out subsection (c). Such sums shall remain avail-
20 able until expended.”.

21 **SEC. 8. MINIMUM ALLOCATION.**

22 Section 157 of title 23, United States Code, is
23 amended—

24 (1) in subsection (a)—

1 (A) in paragraph (4), by striking the para-
 2 graph designation and all that follows before
 3 “on October 1” and inserting the following:

4 “(4) FISCAL YEARS 1992–1997.—In each of fis-
 5 cal years 1992 through 1997,”; and

6 (B) by adding at the end the following:

7 “(5) FISCAL YEAR 1998 AND THEREAFTER.—

8 “(A) DETERMINATION OF AMOUNTS.—In
 9 fiscal year 1998 and each fiscal year thereafter
 10 on October 1, or as soon as practicable there-
 11 after, the Secretary shall determine what
 12 amount of funds would be required to ensure
 13 that a State’s percentage of the total appportion-
 14 ments in each such fiscal year and allocations
 15 for the prior fiscal year for—

16 “(i) the National Highway System
 17 under section 103;

18 “(ii) the Interstate maintenance pro-
 19 gram under section 119;

20 “(iii) the surface transportation pro-
 21 gram under section 133;

22 “(iv) the bridge program under sec-
 23 tion 144;

1 “(v) the congestion mitigation and air
2 quality improvement program under sec-
3 tion 149;

4 “(vi) grants for safety belts and mo-
5 torcycle helmets under section 153;

6 “(vii) the Interstate reimbursement
7 program under section 160; and

8 “(viii) the scenic byways program
9 under section 1047 of the Intermodal Sur-
10 face Transportation Efficiency Act of 1991
11 (23 U.S.C. 101 note; 105 Stat. 1996);

12 is not less than 90 percent of the percentage
13 that the population of the State is of the popu-
14 lation of the United States.

15 “(B) APPORTIONMENT.—After determin-
16 ing the amounts of funds under subparagraph
17 (A), the Secretary shall apportion the funds au-
18 thorized to carry out this section to each State
19 in the ratio that the amount determined for the
20 State under subparagraph (A) bears to the
21 total amount determined for all States under
22 subparagraph (A).”;

23 (2) in subsection (b), by striking the last 2 sen-
24 tences and inserting the following: “Funds appor-
25 tioned under this section shall be subject to any limi-

1 tation on obligations established for Federal-aid
 2 highways and highway safety construction pro-
 3 grams.”; and

4 (3) by striking subsection (e) and inserting the
 5 following:

6 “(e) DEFINITION OF STATE.—Notwithstanding any
 7 other provision of this title, in this section, the term
 8 ‘State’ means each of the 50 States.”.

9 **SEC. 9. REIMBURSEMENT PROGRAM.**

10 Section 160 of title 23, United States Code, is
 11 amended—

12 (1) in subsection (a), by striking “The Sec-
 13 retary shall allocate to the States in each of fiscal
 14 years 1996 and 1997” and inserting “For any fiscal
 15 year for which funds are authorized to carry out this
 16 section, the Secretary shall allocate to the States”;
 17 and

18 (2) in subsection (b), by striking “each of fiscal
 19 years 1996 and 1997” and inserting “each fiscal
 20 year described in subsection (a)”.

21 **SEC. 10. APPORTIONMENT ADJUSTMENTS.**

22 (a) DEFINITION OF STATE.—In this section, the term
 23 “State” means each of the 50 States.

24 (b) DENSITY ADJUSTMENT.—

(1) IN GENERAL.—Subject to subsection (d), in the case of any State eligible for a density adjustment under paragraph (3), the amount of funds apportioned to the State for the surface transportation program under section 133 of title 23, United States Code, for each of fiscal years 1998 through 2003—

(A) shall be increased as necessary to ensure that the percentage obtained by dividing—

(i) the total apportionments to the State for the fiscal year for Federal-aid highways and highway safety construction programs; by

(ii) the total of all apportionments to all States for the fiscal year for Federal-aid highways and highway safety construction programs;

is not less than the minimum percentage for the State determined under paragraph (2); and

(B) shall be increased as necessary to ensure that the State receives an increased apportionment under subparagraph (A) of not less than \$5,000,000.

(2) MINIMUM PERCENTAGE.—The minimum percentage referred to in paragraph (1)(A) for a State shall be equal to the State's percentage of the

1 total apportionments and allocations during fiscal
2 years 1992 through 1997 under title 23, United
3 States Code, the Intermodal Surface Transportation
4 Efficiency Act of 1991 (Public Law 102–240), and
5 the National Highway System Designation Act of
6 1995 (Public Law 104–59), excluding apportion-
7 ments and allocations made for—

8 (A) Interstate construction under section
9 104(b)(5)(A);

10 (B) emergency relief under section 125;

11 (C) the Federal lands highways program
12 under section 204;

13 (D) donor State bonus amounts under sec-
14 tion 1013(c) of the Intermodal Surface Trans-
15 portation Efficiency Act of 1991 (23 U.S.C.
16 157 note; 105 Stat. 1940);

17 (E) Kansas projects under section 1014(c)
18 of the Intermodal Surface Transportation Effi-
19 ciency Act of 1991 (Public Law 102–240; 105
20 Stat. 1942);

21 (F) hold harmless adjustments under sec-
22 tion 1015(a) of the Intermodal Surface Trans-
23 portation Efficiency Act of 1991 (23 U.S.C.
24 104 note; 105 Stat. 1943);

1 (G) 90 percent of payment adjustments
 2 under section 1015(b) of the Intermodal Sur-
 3 face Transportation Efficiency Act of 1991 (23
 4 U.S.C. 104 note; 105 Stat. 1944); and

5 (H) demonstration projects under the
 6 Intermodal Surface Transportation Efficiency
 7 Act of 1991 (Public Law 102–240).

8 (3) ELIGIBLE STATES.—A State shall be eligi-
 9 ble for a density adjustment under this subsection if
 10 the State—

11 (A) has a population density of less than
 12 20 persons per square mile or more than 450
 13 persons per square mile; or

14 (B) is an island State completely separated
 15 from the continental United States by water.

16 (c) MINIMUM APPORTIONMENT ADJUSTMENT.—Sub-
 17 ject to subsection (d), the amount of funds apportioned
 18 to a State for the surface transportation program under
 19 section 133 for each of fiscal years 1998 through 2003
 20 shall be increased as necessary to ensure that—

21 (1) the sum of—

22 (A) the total apportionments to the State
 23 for the fiscal year; and

24 (B) the total allocations, authorized by this
 25 Act, to the State for the previous fiscal year;

1 for Federal-aid highways and highway safety con-
 2 struction programs (excluding apportionments and
 3 allocations for emergency relief under section 125
 4 and for Federal lands highways under section 204);
 5 is not less than

6 (2)(A) $\frac{1}{2}$ of 1 percent of the sum of—

7 (i) the total of all apportionments de-
 8 scribed in paragraph (1) to all States for the
 9 fiscal year; and

10 (ii) the total of all allocations described in
 11 paragraph (1) to all States for the previous fis-
 12 cal year; or

13 (B) 90 percent of the total of all appor-
 14 tionments described in paragraph (1) to the State for
 15 fiscal year 1997.

16 (d) LIMITATION ON APPORTIONMENT ADJUST-
 17 MENTS.—If the amounts authorized to be appropriated for
 18 apportionment adjustments under this section for a fiscal
 19 year are insufficient to fund the increased apportionments
 20 required by subsections (b) and (c) for the fiscal year, the
 21 increased apportionment for each State shall be reduced
 22 proportionately.

23 **SEC. 11. RESEARCH PROGRAMS.**

24 (a) STRATEGIC HIGHWAY RESEARCH PROGRAM.—
 25 Section 307(b)(2)(B) of title 23, United States Code, is

1 amended by striking “1994, 1995, 1996 and 1997” and
 2 inserting “1994 through 2003”.

3 (b) APPLIED RESEARCH PROGRAM.—Section
 4 307(e)(13) of title 23, United States Code, is amended
 5 in the first sentence by striking “1993, 1994, 1995, 1996,
 6 and 1997” and inserting “1993 through 2003”.

7 (c) INTELLIGENT TRANSPORTATION SYSTEMS.—Sec-
 8 tion 6058 of the Intermodal Surface Transportation Effi-
 9 ciency Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2191)
 10 is amended—

11 (1) in subsection (a), by striking “1997” and
 12 inserting “2003”; and

13 (2) in subsection (b), by striking “1997” and
 14 inserting “2003”.

15 **SEC. 12. SCENIC BYWAYS PROGRAM.**

16 Section 1047(d) of the Intermodal Surface Transpor-
 17 tation Efficiency Act of 1991 (23 U.S.C. 101 note; 105
 18 Stat. 1996) is amended by striking “1995, 1996, and
 19 1997” and inserting “1995 through 2003”.

20 **SEC. 13. FERRY BOATS AND TERMINALS.**

21 Section 1064(c) of the Intermodal Surface Transpor-
 22 tation Efficiency Act of 1991 (23 U.S.C. 129 note; 105
 23 Stat. 2005) is amended by striking “fiscal year 1997” and
 24 inserting “each of fiscal years 1997 through 2003”.

1 **SEC. 14. NATIONAL RECREATIONAL TRAILS PROGRAM.**

2 Section 1302(d)(3) of the Intermodal Surface Trans-
 3 portation Efficiency Act of 1991 (16 U.S.C. 1261(d)(3))
 4 is amended by striking “shall not exceed” and all that fol-
 5 lows and inserting “shall not exceed \$30,000,000 for each
 6 of fiscal years 1992 through 2003.”.

7 **SEC. 15. TRANSPORTATION AND LAND USE INITIATIVE.**

8 (a) IN GENERAL.—Chapter 3 of title 23, United
 9 States Code, is amended by inserting after section 307 the
 10 following:

11 **“§ 307A. Transportation and land use initiative**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-
 13 lish a comprehensive initiative to investigate, understand,
 14 and, in cooperation with appropriate State, regional, and
 15 local authorities, address the relationships between trans-
 16 portation and land use.

17 “(b) TRANSPORTATION AND LAND USE RE-
 18 SEARCH.—

19 “(1) IN GENERAL.—The Secretary, in coopera-
 20 tion with appropriate Federal, State, regional, and
 21 local agencies and experts, including States and
 22 other entities eligible for assistance under subsection
 23 (d), shall develop and carry out a comprehensive re-
 24 search program to investigate and understand the
 25 relationships between transportation, land use, and
 26 the environment.

1 “(2) FUNDING.—For each of fiscal years 1998
 2 through 2003, of the sum deducted by the Secretary
 3 under section 104(a), not less than \$1,000,000 shall
 4 be made available to carry out this subsection.

5 “(c) TRANSPORTATION AND LAND USE PLANNING
 6 GRANTS.—

7 “(1) APPLICATIONS.—The Secretary shall so-
 8 licit applications for transportation and land use
 9 planning grants under this subsection from State,
 10 regional, and local agencies, individually or in the
 11 form of consortia, to plan, develop, implement, and
 12 monitor strategies to integrate transportation and
 13 land use plans and practices.

14 “(2) PURPOSES.—The purposes of grants under
 15 this subsection shall be—

16 “(A) to support initiatives to reduce the
 17 need for costly future highway investments;

18 “(B) to provide access to jobs, services,
 19 recreational and educational opportunities, and
 20 centers of trade, in a cost-effective and efficient
 21 manner;

22 “(C) to otherwise improve the efficiency of
 23 the transportation system; and

1 “(D) to avoid, minimize, or mitigate the
2 environmental impacts of transportation
3 projects.

4 “(3) PREFERENCES.—In selecting recipients of
5 grants under this subsection, the Secretary shall give
6 preference to applicants that—

7 “(A) are agencies that have significant re-
8 sponsibilities for transportation and land use;
9 and

10 “(B) submit applications that—

11 “(i) demonstrate a commitment to
12 public involvement; and

13 “(ii) demonstrate a meaningful com-
14 mitment of non-Federal resources to sup-
15 port the efforts of the project team.

16 “(4) NUMBER.—For each fiscal year, the Sec-
17 retary shall make not more than 5 grants under this
18 subsection.

19 “(5) MAXIMUM AMOUNT.—A grant made under
20 this subsection for a fiscal year shall be in an
21 amount not greater than \$1,000,000.

22 “(d) TRANSPORTATION AND LAND USE POLICY
23 GRANTS.—

24 “(1) IN GENERAL.—The Secretary may make
25 transportation and land use policy grants to State

1 agencies, metropolitan planning organizations, and
 2 local governments to—

3 “(A) recognize significant progress in inte-
 4 grating transportation and land use plans and
 5 programs; and

6 “(B) further aid in the implementation of
 7 the programs.

8 “(2) PREFERENCES.—In selecting recipients of
 9 grants under this subsection, the Secretary shall give
 10 preference to applicants that—

11 “(A) have instituted transportation proc-
 12 esses, plans, and programs that—

13 “(i) are coordinated with adopted
 14 State land use policies; and

15 “(ii) are intended to reduce the need
 16 for costly future highway investments
 17 through adopted State land use policies;

18 “(B) have instituted other policies to pro-
 19 mote the integration of land use and transpor-
 20 tation, such as—

21 “(i) ‘green corridors’ programs that
 22 limit access to major highway corridors to
 23 areas targeted for efficient and compact
 24 development;

1 “(ii) urban growth boundaries to
2 guide metropolitan expansion;

3 “(iii) State spending policies that tar-
4 get funds to areas targeted for growth; and

5 “(iv) other such programs or policies
6 as determined by the Secretary; and

7 “(C) have adopted land use policies that
8 include a mechanism for assessing and avoid-
9 ing, minimizing, or mitigating potential impacts
10 of transportation development activities on the
11 environment.

12 “(3) USE OF GRANT FUNDS.—Grants made
13 under this subsection shall be available for obligation
14 for—

15 “(A) any project eligible for funding under
16 this title or title 49; and

17 “(B) any other activity relating to trans-
18 portation and land use that the Secretary deter-
19 mines appropriate, including purchase of land
20 or development easements and activities that
21 are necessary to implement—

22 “(i) transit-oriented development
23 plans;

24 “(ii) traffic calming measures; or

1 “(iii) any other coordinated transpor-
 2 tation and land use policy.

3 “(4) MINIMUM AMOUNT.—A grant made under
 4 this subsection for a fiscal year shall be in an
 5 amount not less than \$10,000,000.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated out of the Highway
 8 Trust Fund (other than the Mass Transit Account)—

9 “(1) to carry out subsection (c) \$3,000,000 for
 10 each of fiscal years 1998 through 2003; and

11 “(2) to carry out subsection (d) \$50,000,000
 12 for each of fiscal years 1998 through 2003.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
 14 chapter 3 of title 23, United States Code, is amended by
 15 inserting after the item relating to section 307 the follow-
 16 ing:

“307A. Transportation and land use initiative.”.

17 **SEC. 16. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

18 (a) AUTHORIZATION.—

19 (1) IN GENERAL.—There is authorized to be
 20 appropriated out of the Highway Trust Fund (other
 21 than the Mass Transit Account) for construction of
 22 the Appalachian development highway system au-
 23 thorized by section 201 of the Appalachian Regional
 24 Development Act of 1965 (40 U.S.C. App.)

1 \$425,000,000 for each of fiscal years 1998 through
2 2003.

3 (2) TRANSFER AND ADMINISTRATION OF
4 FUNDS.—The Secretary of Transportation shall
5 transfer the funds made available by paragraph (1)
6 to the Appalachian Regional Commission, which
7 shall be responsible for the administration of the
8 funds.

9 (b) FEDERAL SHARE.—The Federal share under this
10 section shall be 80 percent.

11 (c) DELEGATION TO STATES.—Subject to title 23,
12 United States Code, the Secretary of Transportation shall
13 delegate responsibility for completion of construction of
14 each segment of the Appalachian development highway
15 system under this section to the State in which the seg-
16 ment is located, upon request of the State.

17 (d) ADVANCE CONSTRUCTION.—The Secretary of
18 Transportation may make available amounts authorized
19 by this section in the manner described in section 115(a)
20 of title 23, United States Code.

21 (e) CONTRACT AUTHORITY.—Funds authorized by
22 this section shall be available for obligation in the same
23 manner as if the funds were apportioned under chapter
24 1 of title 23, United States Code, except that—

1 (1) the Federal share of the cost of any con-
2 struction under this section shall be determined in
3 accordance with subsection (b); and

4 (2) the funds shall remain available until ex-
5 pended.

6 (f) OTHER STATE FUNDS.—Funds made available to
7 a State under this section shall not be considered in deter-
8 mining the apportionments and allocations that any State
9 shall be entitled to receive, under title 23, United States
10 Code, and other law, of amounts in the Highway Trust
11 Fund.

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